IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 456 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
NASIRBEG MOHMEDBEG MIRZA & 1 - Defendant(s)

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Appearance :
MR SN SHELAT for Appellant(s) : 1,
MS KN VALIKARIMWALA for Defendant(s) : 1,
None for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 17/07/2006

ORAL JUDGMENT

1. By way of this appeal, the appellant has challenged the judgement and award dated 19.07.88 passed by the Motor Accident Claims Tribunal (Auxilliary) Kheda at Nadiad in Motor Accident Claims Petition No. 946 of 1984 whereby the Tribunal awarded Rs. 14000/- towards compensation with interest at the rate of 12% per annum.

2. The present respondent, being the guardian of minor Sartajbeg, filed claim petition against original opponent nos. 1 & 2 to recover Rs. 1,00,000/- in respect of the

accident which occurred on 06.12.83 at about 10.15 am when the original claimant was going on bicycle. At that time, an S.T bus bearing no. GRS 6718, driven in an excessive speed, knocked down the original claimant as a result of which he sustained injuries. The Tribunal after hearing the parties passed the aforesaid award.

3. Learned counsel for the appellant has contended that the Tribunal has erred in holding the driver of the bus responsible for the accident. He has further contended that the amount of compensation awarded and the rate of interest levied is on the higher side which is required to be corrected.

4. Heard learned counsel and have gone through the documents on record. The Tribunal in para 10 has observed that if the witness cannot read the number atleast he can say that the bus involved in the accident was an S.T bus as an S.T bus is decisively different from the rest of the buses. The Tribunal has also relied on various evidence placed on record and has also taken into account the medical fitness of the minor and passed the award in accordance with law. As regards the interest rate is concerned, I am of the opinion that the same is the prerogative of the Tribunal and the rate of interest

levied was the prevailing rate at the relevant time.

5. In the premises aforesaid, appeal is dismissed. No order as to costs.

(K.S. JHAVERI, J.)

Divya//